

Application No.: 10/527,387
Filing Date: October 17, 2005

REMARKS

Claims 1, 4, 16, 17 and 20 have been amended. Claims 3, 5, 6, 15, 19, 21 and 22 have been canceled. New claims 26-28 have been added. Thus, claims 1, 2, 4, 7-12, 16-18, 20 and 23-28 are now pending in the present application. Support for the amendment to claims 1, 16 and 17 may be found in canceled claims 3 and 19, and in the specification at pages 9-11, 15 and 18-25. Support for new claims 26-28 may be found in the specification at page 11, first paragraph. Thus, no new matter has been added. Reconsideration and withdrawal of the present rejections in view of the comments presented herein are respectfully requested.

Rejection under 35 U.S.C. § 102(b)

Claims 1, 7-10, 12, 15 and 17 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Gil et al. Claims 1 and 17 as amended recite the subject matter of canceled claims 3 and 19, respectively, which were not rejected as being anticipated by this reference. Because Gil neither teaches nor suggests a xylanase obtained from *Pseudoalteromonas haloplanktis*, claims 1 and 17 cannot be anticipated (or rendered obvious) by this reference. Since claims 7-10 and 12 depend, either directly or indirectly on claim 1, then these claims also cannot be anticipated or rendered obvious by this reference.

In view of the comments presented above, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(b).

Rejections under 35 U.S.C. § 103(a)

Claims 1-5, 7-12, 15-20 and 23-25 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Fuglsang et al. (WO 02/19828 "R1"), in view of Collins et al. (J. Biol. Chem. 277:35133-35139, 2002 "R2") and Olesen et al. (US 6,110,508).

Claims 5-6 and 21-22 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Fuglsang et al. (WO 02/19828 "R1"), in view of Collins et al. (J. Biol. Chem. 277:35133-35139, 2002 "R2"), Olesen et al. (US 6,110,508) and JP 2001-245665 (machine translation).

Claims 1, 17 and 17 as amended recite that the family 8 xylanase is obtained from *Pseudoalteromonas haloplanktis*. The present specification describes experiments that were performed to compare the amount of *P. haloplanktis* xylanase which are able to increase bread volume compared to a xylanase from another organism, *Bacillus subtilis* (Belase B210). As noted in the specification at pages 20-21, the amount of xylanase from *P. haloplanktis* which is able to increase bread volume is unexpectedly significantly lower than the amount of xylanase from *B. subtilis*. In addition, the specification at pages 23-25 (Example 6) compares the effects of xylanases from three different organisms: *P. haloplanktis*, *B. subtilis* and *Bacillus halodurans* (C-125). As noted at page 25 (Table 6), the amount of xylanase from *P. haloplanktis* able to provide a given increase in bread volume was unexpectedly much lower than the amount of xylanases from *B. subtilis* and *Bacillus halodurans* (25 and 50 units for *P. haloplanktis* compared to 630 and 1050 units for *B. subtilis* and 6000 and 12,000 units for *B. halodurans*). These unexpected properties are neither disclosed nor suggested by any of the cited references, and could not have been predicted by one having ordinary skill in the art. Thus, the unexpected results strongly support the nonobviousness of the present claims over the cited references.

In view of the comments presented above, Applicants respectfully request reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a)

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

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CONCLUSION

Applicants submit that all claims are in condition for allowance. However, if minor matters remain, the Examiner is invited to contact the undersigned at the telephone number provided below..

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: _____

4/1/10

By: _____



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